

IN THE COURT OF COMMON PLEAS
TRUMBULL COUNTY, OHIO
CASE NO. 00-CV-1997

LORRAINE L. CERIMELE,)

Plaintiff(s))

vs.)

JUDGMENT ENTRY

LEXINGTON PRECISION CORP., et al.,)

Defendant(s))

This matter is before the Court on Defendant's Motion to Dismiss Plaintiff's action due to a failure on Plaintiff's part to provide discovery. Plaintiff's counsel objects citing numerous problems including serious health matters.

Whether a Court allows a dismissal under the circumstances of this case is within the discretion of the Court. On its face, this case is beyond the usual time allotted or suggested under the Supreme Court guidelines.

The Court has been aware from the very beginning of this case that there were complaints by both sides concerning discovery problems. Atty. Callas, who originally represented Defendant, from the Court's observation at various pretrials was having no success in obtaining information from his client, the Defendant. Plaintiff wrongly refused to comply with discovery until Defendant supplied the information

sought. Atty. Callas eventually withdrew from the case, and Atty. Bodor had an extended period of serious illness during which time he was unable to pursue the case. It appears to this Court that neither side has answered discovery in a timely fashion as arguments still exist over discovery. However, this Court finds no direct harm has been visited on either side significant enough to dismiss the action.

The parties are given 90 days to deliver all discovery due the other side or file appropriate motions for sanctions.

A pretrial to be set in 90 days if nothing is filed previously.

The matter to be set for trial by the clerk after 120 days. There will no motions for continuances granted due to the longevity of this case.

11/7/06

DATE

John M. Stuard

JUDGE JOHN M. STUARD

TO THE CLERK OF COURTS: YOU ARE ORDERED TO SERVE
COPIES OF THIS JUDGMENT ON ALL COUNSEL OF RECORD
OR UPON THE PARTIES WHO ARE UNREPRESENTED FORTH-
WITH BY ORDINARY MAIL.
JUDGE

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NOV 29 2006

ATTY. FRANK BODOR